

IAP6 Rec'd PCT/PTO 27 JUL 2006

FORM PTO-1390 (Rev.07-2004)
U.S.

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| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 | | ATTORNEY'S DOCKET NUMBER YOR920030587US1 10/587618 U.S. APPLICATION NO. (If known, see 37 CFR 1.5) |
| INTERNATIONAL APPLICATION NO. PCT/IB2004/002696 | INTERNATIONAL FILING DATE January 30, 2004 | PRIORITY DATE CLAIMED January 30, 2004 |
| TITLE OF INVENTION HIERARCHICAL RESOURCE MANAGEMENT FOR A COMPUTING UTILITY | | |
| APPLICANT(S) FOR DO/EO/US International Business Machines Corporation | | |

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and Other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and 21 indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ are attached hereto
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Unexecuted Declaration and Power of Attorney

this collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.
SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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under the Paperwork Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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|--|--------------|---|------------|---|------------------|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/587618 | | INTERNATIONAL APPLICATION NO. PCT/IB2004/002696 | | ATTORNEY'S DOCKET NUMBER YOR920030587US1 | |
| 21. The following fees are submitted: | | | | | |
| ___ a) Basic National fee | | | | \$ 300.00 | \$ 300.00 |
| ___ b) Examination fee | | | | \$100.00/\$200.00 | \$ 200.00 |
| ___ c) Search fee | | | | \$100.00/\$400.00/\$500.00 | \$ 400.00 |
| TOTAL OF ABOVE CALCULATIONS = | | | | | \$ 900.00 |
| Total sheets | Extra sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE | | |
| 34-100 | 0/50 = | | x \$250.00 | \$ 0.00 | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from earliest claimed priority date (37 CFR 1.49(e)). | | | | \$ | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | |
| Total claims | 32- 20 = | 12 | x \$50.00 | \$ 600.00 | |
| Independent claims | 6 - 3 = | 3 | x \$200.00 | \$ 600.00 | |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + | \$ | |
| | | \$360.00 | | | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$ 1,200.00 | |
| ___ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | | | \$ | |
| SUBTOTAL | | | | \$ 2,100.00 | |
| = | | | | | |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from earliest claimed priority date (37 CFR 1.492(f)). | | | | \$ | |
| TOTAL NATIONAL FEE | | | | \$ 2,100.00 | |
| = | | | | | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31), \$40.00 per property + | | | | \$ | |
| TOTAL FEES ENCLOSED | | | | \$2,100.00 | |
| = | | | | | |
| | | | | Amount to be refunded: | \$ |
| | | | | Amount to be charged: | \$ |

- a. ___ A check in the amount of \$_____ to cover the above fee is enclosed.
- b. XX Please charge my Deposit Account No 50-0510 in the amount of **\$2,100.00**. A duplicate copy of this sheet is enclosed.
- c. XX The Commissioner is hereby authorized to charge any additional fee which may be required, or credit any overpayment to Deposit Account No 50-0510. A duplicate copy of this sheet is enclosed.
- d. ___ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.
- NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO: 54846

Express Mail Label No.: EQ 619695093 US

Date Of Deposit: July 27, 2006

Louis Herzberg
SIGNATURE
Louis P. Herzberg
NAME
41,500
REGISTRATION NUMBER

10/587618

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: T. Eilam, et al.

Docket No.: YOR920030587US1

Serial No.:

Group No.:

Filed: HEREWITH

Examiner:

For: HIERARCHICAL RESOURCE MANAGEMENT FOR A COMPUTING UTILITY

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Date of Deposit July 27, 2006

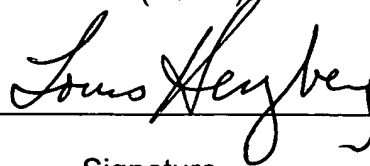
I hereby certify that the attached paper or fee

Transmittal Letter to the United States Designated/Elected Office
(DO/EO/US) Concerning a Filing Under 35 U.S.C 371
Patent Application and 15 Sheet of Drawings
Preliminary Amendment (13 pages)
International Publication No. WO 2005/083576
Declaration and Power of Attorney (unexecuted)
Return Postcard

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Mail Stop PCT, Attn: DO/EO/US, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Louis P. Herzberg

(Name)



Signature

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Note: The label number need not be placed on each page. It should, however, be placed on the first page of each separate document, such as, a new application, amendment, assignment, and transmittal letter for a fee, along with the certificate of mailing by "Express Mail". Although the label number may be on checks, such a practice is not required. In order not to deface formal drawings it is suggested that the label number be placed on the back of each formal drawing or the drawings be accompanied by a set of informal drawings on which the label number is placed.